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< RS 32:410 >



NOTE: §410 Section heading eff. until July 1, 2024. See Acts 2023, No. 42.

§410. Form of license; photograph, signature of licensee, anatomical gift statement, declaration of life-sustaining procedures, and additional information on license

NOTE: §410 Section heading as amended by Acts 2023, No. 42, eff. July 1, 2024.

§410. Form of license; photograph, signature of licensee, anatomical gift statement, declaration of life-sustaining procedures, interest in bone marrow donation, and additional information on license

A.(1) Every application for a driver's license and the license issued as a result of such application shall contain the photograph of the applicant or licensee, as the case may be. At the time of renewal of a license, the expired or expiring license shall be surrendered to the office of motor vehicles of the Department of Public Safety and Corrections.

(2) The Department of Public Safety and Corrections shall use such process or processes in the issuance of licenses that prohibit as nearly as possible the ability to alter or reproduce a license or to superimpose a photograph on such license without ready detection. All licenses and photo attachments shall be processed in color.

(3)(a) Every license issued shall bear thereon:

(i) The distinguishing number assigned to the applicant and shall contain the name of the state.

(ii) The applicant's full legal name. For the purposes of this Item, an applicant's full legal name shall be defined in compliance with the Real ID Act, if implemented. If and until such time as the Real ID Act is implemented, the applicant's full legal name shall be defined as the given name or names that appear on an official birth certificate together with the surname as it appears on the official birth certificate, unless the surname is changed in accordance with R.S. 9:292. No other name shall be permitted to be used unless the applicant provides proof of name change granted by a district court in accordance with the law. Should the Real ID Act be implemented, the full legal name shall be defined as stated by the Real ID Act. The department shall promulgate rules and regulations as are necessary to implement the provisions of this Item.

(iii) The applicant's mailing address and residential address, if different from the mailing address. The residential address provided for issuance of a driver's license for any law enforcement officer, court officer, or member of his immediate family as defined in R.S. 32:409(C) shall be the residential address which appears on the driver's license.

(iv) The dates of issuance and expiration.

(v) The group or groups of motor vehicles the applicant is authorized to operate.

(vi) The endorsements for which the driver has qualified.

(vii) Any applicable restrictions to which the applicant is subject.

(viii) Other information to identify the applicant including date of birth (month, day, and year), sex, height, weight, and eye and hair color. An applicant's license may bear his social security number at his option.

(ix) Parish of residence code number. The parish code shall be consistent with the numerical code as designated by the secretary of state.

(b) Every applicant for a license shall write his usual signature with pen and ink in the space provided for that purpose on the license issued to him immediately upon receipt of such license, and such license shall not be valid until so signed, except in the case of a person who cannot write his or her name, and in such case he may make his mark in the presence of one attesting witness and any other information requested by the department.

(c) Every license issued shall include the words "DON'T DRINK AND DRIVE; DON'T LITTER LOUISIANA" and "Crisis Lifeline dial 988".

(d) The magnetic strip on the back of the license shall contain only the information required in Subparagraph (a) of this Paragraph. No other personal information of any kind shall be contained on the magnetic strip. In no case shall information not included on the face of the driver's license, including the Social Security number, be included on the magnetic strip.

(4) Every commercial driver's license must contain a prominent statement that the license is a "Commercial Driver's License" or "CDL". The word "nonresident" shall be added to the face of a nonresident commercial driver's license. The word "nonresident" shall be conspicuously and unmistakably displayed but may be noncontiguous with the words "Commercial Driver's License" or "CDL". Additionally, every commercial driver's license must state: "Holder of this license must be twenty-one years of age or older to utilize the privileges of this license in interstate commerce pursuant to 49 Code of Federal Regulations 391.11."

(5) Beginning January 1, 2007, the office of motor vehicles of the Department of Public Safety and Corrections shall provide for a method by which an applicant has the option of including emergency contact

information in the operating record of the driver's license to which law enforcement and emergency personnel will have access.

(6)(a) Beginning July 1, 2013, the office of motor vehicles of the Department of Public Safety and Corrections shall provide a method by which an applicant may choose to include a special endorsement code on his driver's license to indicate whether the applicant has been issued any of the following:

- (i) A lifetime hunting or fishing license issued pursuant to R.S. 56:649.1 et seq.
- (ii) A certificate of completion of firearm and hunter education issued pursuant to R.S. 56:699.5.
- (iii) A certificate of completion of boating safety education issued pursuant to R.S. 34:851.36.

(b) Inclusion of a special endorsement code pursuant to Subparagraph (a) of this Paragraph on his driver's license shall be solely at the option of the applicant. If applicant opts to include any such endorsement code, possession of his driver's license which displays such endorsement code shall satisfy any requirement to possess and exhibit such license and certificate.

B.(1)(a) The Department of Public Safety and Corrections shall give the widest possible dissemination to the anatomical donation program relating to eyes, kidneys, entire bodies, etc., and shall make whatever provisions are feasible and desirable, through its drivers licensing examining offices, to enable persons desiring to make such anatomical donations to confirm their desires and intentions through the use of suitable documents to be maintained and issued in all driver's license examining offices. Additionally the license issued by the department shall contain an indication thereon whether or not the named applicant has elected to make an anatomical gift pursuant to the provisions of this Chapter or R.S. 17:2351 et seq., said indication to be by placing an "X" in the appropriate box marked "Yes" or "No" under or adjacent to the term "anatomical gift".

(b) The following information shall be made available free of charge to applicants for a driver's license on a form to be promulgated by the department and maintained on file with the department:

(i) An anatomical gift statement indicating the organs donated for the purpose of transplantation or transplantation research;

(ii) A space for indicating any limitation or special wish of the donor; and

(iii) The signature of the donor and the witnesses to the signature of the donor.

(c) If the applicant elects not to execute an anatomical gift statement at the time of application, the statement shall remain blank when presented to the licensee so it can be executed by the licensee at any time after the license is issued. No other form or statement shall be required for the purpose of providing for the donation of organs.

(2) The applicant shall be asked at the time of application if he would like to be an organ donor and informed that the gift may be made either to a named donee or without the naming of a donee and the effect thereof as provided in R.S. 17:2354(D).

(3) An anatomical gift made pursuant to this Subsection may be revoked as provided in R.S. 17:2351 et seq.

(4) The state or any of its agencies, departments, or political subdivisions shall not be liable in damages or otherwise for any removal or use of any anatomical gift made pursuant to this Subsection.

(5) The attending physician, and the hospital where an anatomical gift is made or was to be made, shall not be liable for the removal, use, or the failure to remove or use any anatomical gift made pursuant to this Subsection.

(6) Except as otherwise provided in this Subsection, the document of donation and the donation shall be made pursuant to R.S. 17:2351 et seq.

(7) The department shall furnish upon request, written information to each applicant for a driver's license or renewal thereof at the time of the application, stating that if such applicant has executed a document of gift pursuant to the Anatomical Gift Act, and if the document has been deposited in any hospital, registry office, or depository that accepts such documents for safekeeping or for facilitation of procedures after death, he may authorize the department to include on an organ donor card a notification disclosing that a document has been executed including the file number for the document. When so authorized by the applicant, the department shall in such manner and form as it determines include on the donor card a notification disclosing that a document has been executed, and disclosing the place where the document is deposited including the file number for the document, in order to provide the widest possible dissemination of the information.

C.(1)(a) The Department of Public Safety and Corrections shall give the widest possible dissemination to the declarations concerning life-sustaining procedures under the provisions of R.S. 40:1151 et seq., and shall make whatever provisions are feasible and desirable, through its driver's licensing examining offices, to enable persons desiring to make such declarations to confirm their desires and intentions through the use of suitable documents to be maintained and issued in all driver's license examining offices. Additionally, the license issued by the department shall contain an indication thereon whether or not the named applicant has elected to make such a declaration, said indication to be by placing an "X" in the appropriate box marked "Yes" or "No" under or adjacent to the term "living will".

(b) If the applicant elects not to execute a declaration concerning life-sustaining procedures at the time of application, the statement shall remain blank when presented to the licensee so it can be executed by the licensee at any time after the license is issued.

(2) The applicant shall be asked at the time of application if he would like to make a declaration concerning life-sustaining procedures or a living will.

(3) The state or any of its agencies, departments, or political subdivisions shall not be liable in damages or otherwise for any declaration made pursuant to this Subsection.

D.(1) Upon request, the license holder's blood type shall be exhibited on the back of the driver's license regardless of its class. No additional fee shall be charged to include such designation. The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall promulgate, in accordance with the Administrative Procedure Act, rules and regulations necessary to implement the provisions of this Subsection.

(2) No action taken by any person, whether private citizen or public officer or employee, with regard to any driver's license displaying a blood type, shall create a warranty of the reliability or accuracy of the document or electronic image, or create any liability on the part of the state, or on the part of any department, office, or agency of the state, or on the part of any officer, employee, or agent of the state.

E.(1) The department shall provide for the option of the issuance of drivers' licenses that are either compliant or not compliant with the standards of the REAL ID Act of 2005, P. L. 109-13, and federal rules adopted pursuant thereto as of January 1, 2016, hereinafter collectively referred to as REAL ID, in the manner set forth in this Subsection.

(2) Any person applying for a driver's license pursuant to the provisions of this Chapter may elect to apply for a driver's license that complies with the standards of REAL ID. If that person is eligible for a driver's license to be issued pursuant to the provisions of this Chapter and meets all requirements of the United States Department of Homeland Security for a REAL ID compliant credential, that person shall be issued a driver's license which bears a United States Department of Homeland Security approved security marking reflecting that such credential meets REAL ID standards. A person who is issued a REAL ID compliant driver's license shall not be issued a REAL ID compliant special identification card.

(3) Any person applying for a driver's license pursuant to the provisions of this Chapter, who elects not to apply for a driver's license that complies with REAL ID standards, and who is otherwise eligible to be issued a driver's license pursuant to the provisions of this Chapter, shall be issued a driver's license which indicates the driver's license is not in compliance with REAL ID. If the person has elected not to apply for a REAL ID compliant driver's license, the department shall not require the applicant to comply with any REAL ID requirements that were not required by the state as of January 1, 2016, or require the applicant to submit to a facial image capture in connection with such application prior to determining if such applicant is eligible to be issued a driver's license pursuant to the provisions of this Chapter. If the person has elected not to apply for a REAL ID compliant driver's license, the department shall not copy, scan, maintain, or share a copy of the applicant's documents proving his identity. This includes but is not limited to the applicant's birth certificate, social security card, or United States issued passport.

(4)(a) Each applicant for a driver's license shall be informed that he is not required by law to be issued a REAL ID compliant driver's license and may be issued a driver's license which is not REAL ID compliant. The applicant shall be required to indicate on his driver's license application whether he is applying for a REAL ID compliant driver's license or a driver's license that is not REAL ID compliant. Additionally, each applicant shall indicate receipt of the printed document required by Subparagraph (b) of this Paragraph on the application for a driver's license.

(b) The department shall provide each applicant for a driver's license a printed document that includes the following information:

(i) The documents that an applicant is required to provide to obtain a REAL ID compliant driver's license, and the documents an applicant is required to provide to obtain a driver's license that is not REAL ID compliant.

(ii) The purposes for which a REAL ID compliant driver's license may be utilized, and the purposes for which a driver's license that is not REAL ID compliant may be utilized.

(iii) The electronic technology incorporated into a REAL ID compliant driver's license, and the electronic technology incorporated into a driver's license that is not REAL ID compliant.

(5) Compliance with REAL ID referenced in this Subsection shall be limited to those standards in effect as of January 1, 2016. Any subsequent changes or additions to federal laws or rules for implementation of REAL ID shall be implemented by the state only if such changes are approved by the legislature by a favorable vote of a majority of the elected members of each house.

(6) Any eligible person electing to obtain a driver's license which bears a United States Department of Homeland Security approved security marking reflecting that such credential meets REAL ID standards prior to the renewal date of his driver's license may be issued such driver's license at the cost of a duplicate license.

(7) Upon the request of any applicant for a driver's license, the department shall record and retain the applicant's name, date of birth, certificate numbers, date filed, and issuing agency in lieu of retaining an image or copy of the applicant's birth certificate.

(8) The department shall not participate in any programs that exchange or allow the access of facial biometric data of Louisiana citizens obtained in the issuance or renewal of a Louisiana driver's license to the agencies, governments, or contractors of other states or nations without a warrant or a court order issued for access to that data.

F.(1) Upon request of any person, any personal identifying source documents or photographs of such person obtained by the department or a contractor in the process of a person applying for or renewing a driver's license between July 7, 2008, and June 14, 2016, that were not required by state law to be captured by the department or a contractor as of July 7, 2008, shall be disposed of as follows:

(a) Personal identifying source documents shall be removed and purged from department and contractor databases and systems.

(b) All photographs of persons obtained by the department which are in the possession of a contractor shall be purged from the database or system of that contractor.

(2) As used in this Subsection, the following terms shall mean and include:

(a) "Contractor" shall mean and include any contractor of the department, any affiliate or subsidiary of such contractor, and any subcontractor of such contractor or any affiliate or subsidiary of such subcontractor.

(b) "Personal identifying source documents" shall mean and include any document provided by any person to prove his identity or residence. It shall include all copies, scans, or digital images of such documents.

(c) "Photographs" shall mean and include any captured image, digital or otherwise, of a person's face. It shall include all copies, scans, or digital images of such image.

NOTE: Subsection (G) eff. July 1, 2024. See Acts 2023, No. 42.

G. Any person between the ages of eighteen and forty years old applying for or renewing their driver's license may indicate their intention to be a bone marrow donor on the application for the driver's license or on any other document provided by the department during the application or renewal process. The person shall give written consent for their personal identifying information and contact information to be shared with the National Marrow Donor Program. The department shall provide the personal identifying information and contact information of any person who has given written consent to share their information to the National Marrow Donor Program for that program to contact the person to obtain their genetic information. The genetic information shall be stored in a secure national database accessible to cancer doctors to find a match for their patients. The department shall promulgate such rules as are necessary to implement this Subsection.

Acts 1983, No. 205, §1; Acts 1989, No. 293, §1, eff. June 27, 1989; Acts 1990, No. 866, §1; Acts 1990, No. 934, §1; Acts 1995, No. 554, §1; Acts 1997, No. 864, §1; Acts 1997, No. 934, §1; Acts 1998, 1st Ex. Sess., No. 8, §2, eff. April 24, 1998; Acts 1999, No. 940, §1; Acts 2006, No. 416, §1; Acts 2006, No. 444, §1; Acts 2008, No. 594, §1, eff. June 1, 2009; Acts 2009, No. 224, §3, eff. June 1, 2009; Acts 2010, No. 151, §1, eff. June 8, 2010; Acts 2012, No. 543, §1; Acts 2015, No. 369, §1; Acts 2016, No. 496, §1, eff. June 14, 2016; Acts 2016, No. 505, §1, eff. June 14, 2016; Acts 2023, No. 42, §1, eff. July 1, 2024; Acts 2023, No. 237, §1, eff. June 9, 2023.

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